

ORIGINAL SENATE  
FILE NO. 0038

ENROLLED ACT NO. 21, SENATE

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING  
2009 GENERAL SESSION

AN ACT relating to the federal Real ID Act; amending Wyoming's motor vehicle statutes to allow Wyoming to comply with federal law; establishing an expiration for prior hazardous materials endorsement test results; conforming other statutes; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 7-19-106(a)(xvi), 7-19-201(a) by creating a new paragraph (xiii), 8-7-101, 31-7-103, 31-7-106(d)(i), 31-7-111(a), (b)(x), by creating a new paragraph (xi) and by creating a new subsection (g), 31-7-113(f)(i), 31-7-115(a)(iii)(C), (D) and by creating a new subparagraph (J), 31-7-119(a), (b) and (f) by creating a new paragraph (iv), 31-8-101, 31-8-102(a)(vi) through (viii) and by creating a new paragraph (ix), 31-8-103(a), (c)(ii) and by creating a new subsection (d) and 31-8-104 are amended to read:

**7-19-106. Access to, and dissemination of, information.**

(a) Criminal history record information shall be disseminated by criminal justice agencies in this state, whether directly or through any intermediary, only to:

(xvi) The department of transportation for purposes of dealer and wholesaler licensing and permitting under title 31, chapter 16 and for purposes of performing background checks required by W.S. 31-7-103(b);

**7-19-201. State or national criminal history record information.**

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(a) The following persons shall be required to submit to fingerprinting in order to obtain state and national criminal history record information:

(xiii) Employees, prospective employees and volunteers of the Wyoming department of transportation, as necessary to perform the background checks required by W.S. 31-7-103(b).

**8-7-101. Tribal identification cards.**

An identification card issued by the governing body of the Eastern Shoshone tribe of Wyoming or Northern Arapahoe tribe of Wyoming that includes the requirements of W.S. 31-8-102(a)(i) through (vi) and (ix) shall be considered a valid form of identification for all purposes for which an identification card issued under W.S. 31-8-101 may be used.

**31-7-103. Administration and enforcement.**

(a) The administration of this act shall be exercised by the department which may prescribe forms and reasonable rules and regulations in conformity with this act. The department shall keep records of all monies received and disbursed. The records shall be open to examination by the director of the state department of audit or his designee and the audit division of the legislative service office. The highway patrol and all peace officers of any county or municipality shall aid in the enforcement of this act.

(b) The department shall perform background checks on all persons engaged in the manufacture or production of driver's licenses or state identification cards including, but not limited to, all persons who have the ability to affect identity information appearing on driver's licenses or identification cards. The background check shall

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include a verification of any references and a name and fingerprint based criminal history records check. The background check also shall include a check of the federal bureau of investigation's databases and the Wyoming department of criminal investigation's database. The department shall by rule and regulation establish criteria for the qualification of persons permitted to access documents described under this section.

(c) The department shall require fraudulent document recognition training for all employees handling those documents listed in W.S. 31-7-111(a) or engaged in the issuance of driver's licenses or identification cards.

**31-7-106. License required; limited to one license.**

(d) The division shall:

(i) Notify the issuing jurisdiction that the licensee is now licensed in Wyoming and, if requested by the issuing jurisdiction, return any surrendered license to the issuing jurisdiction together with information if the licensee is now licensed in Wyoming; or

**31-7-111. Application for license or permit generally.**

(a) Every application for instruction permit, driver's license, commercial driver's license or commercial driver instruction permit shall be made upon a form furnished by the division. Every application shall be accompanied by the proper fee, proof of residence and, ~~if the applicant has not previously been licensed in this state or another jurisdiction,~~ proof of identity. Proof of identity shall be established by a certified copy of the applicant's birth certificate, valid unexpired United

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States passport, consular report of birth abroad, certificate of citizenship, certificate of naturalization, permanent resident card, employment authorization document, foreign passport (with United States visa affixed and accompanied by an approved document documenting the applicant's most recent admittance to the United States), state issued driver's license or identification card which complies with federal law and applicable regulations, or other document required by the division to establish identity where reasons beyond the applicant's control prevent the applicant from presenting the documents required by this subsection.

(b) The application shall include:

(x) Any other information or documentation required by the department ~~to validate information or identity;~~

(xi) A signed declaration indicating that the information provided is true and correct under the penalty of perjury.

(g) The department may modify the requirements of subsection (b) of this section by properly adopted rule or regulation for driver's license or identification card applications received from federal, state or local criminal justice agencies, or other similarly situated persons, where applicable law or regulation requires that limited information be provided.

**31-7-113. Fees.**

(f) Notwithstanding W.S. 31-7-115(b), any licensee on active duty in the armed forces of the United States who is stationed outside the state of Wyoming, or his spouse or

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dependent child who has a valid driver's license issued under this chapter, may obtain a license with an updated photograph and the same expiration date of the current license without payment of any fee, unless renewing under W.S. 31-7-119, if:

(i) While outside the state, the person surrenders the current license; ~~and submits an updated color photograph certified by military officials to be a photograph of the person; or~~

**31-7-115. Issuance, description and contents.**

(a) Upon the satisfactory completion of any required examination, the division shall issue to every qualifying applicant a driver's license, and:

(iii) The driver's license shall include, but not be limited to, the following information:

(C) The full legal name, any identifying numbers or letters deemed appropriate, date of birth, mailing principal residence address, height, weight and sex of the licensee. Unless otherwise required by federal law, the social security number of the person shall not be required on a driver's license; ~~The division shall provide on the application form required by W.S. 31-7-111(a) an option for the applicant to include his social security number on his driver's license;~~

(D) A full facial digital color photograph of the licensee;

(J) Any other information required by the department to comply with applicable federal law.

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**31-7-119. Expiration and renewal; required tests; extension.**

(a) Every driver's license shall expire on the licensee's birthday in the fourth year following the issuance of the license. ~~Every driver's license is renewable within one hundred twenty (120) days before its expiration upon application, payment of the required fee and satisfactory completion of the examination required or authorized by subsection (b) of this section. The division may renew a driver's license more than one hundred twenty (120) days before its expiration if the applicant states in writing that he will not be in the state during the one hundred twenty (120) days before the license expires.~~

(b) The division shall require every person applying for renewal of a driver's license to take and successfully pass a test of his eyesight. The division may require any applicant to take and successfully pass any additional tests or provide affidavits required or authorized under the original application as the division finds reasonably necessary to determine his qualification according to the type or class of license. The written test for a hazardous materials endorsement shall be taken and passed if the person wants to retain an "H" endorsement unless the applicant's written test results are less than two (2) years old.

(f) Once in any eight (8) year period, a driver's license may be extended for a four (4) year period without the examination required by subsection (b) of this section for a licensee:

(iv) Who does not have a material change in any personally identifiable information that requires the

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applicant to present one (1) of the documents listed in W.S. 31-7-111(a).

**31-8-101. Issuance to residents by department; restrictions.**

(a) Any Wyoming resident may be issued an identification card by the department of transportation. The application shall state the registrant's full legal name, correct age social security number, date of birth and any other identifying data the department may require and shall be signed and verified by the applicant. The identification card shall at the applicant's request indicate that the applicant is an anatomical organ donor as provided by W.S. 35-5-112.

(b) The department shall not issue an identification card until documentary evidence of the applicant's age and identity has been received—verified using documents as provided by W.S. 31-7-111.

**31-8-102. Contents.**

(a) The identification card shall resemble a Wyoming driver's license. It shall have:

(vi) The registrant's picture—full facial digital color photograph;

(vii) The following: "State of Wyoming" - "Identification Card No. ...." - "This card is provided solely for the purpose of identification of the person described on the card";~~and~~

(viii) As provided for in W.S. 31-7-139;~~;~~ and

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(ix) The registrant's usual signature unless the registrant is unable to make a signature.

**31-8-103. Expiration; records; new cards.**

(a) Identification cards shall ~~not~~ expire on the registrant's birthday in the eighth year following issuance of the identification card. The department shall keep records of data contained in identification cards.

(c) If any information contained in the identification card becomes inaccurate, or if it is desired to withdraw or insert notice of anatomical organ donation, the person to whom it was issued may obtain a new card upon:

(ii) Furnishing ~~the same~~ all documentary evidence ~~as for an necessary to verify any material change to information listed on the~~ original identification card; and

(d) The division shall send an application for an identification card to the last known address of every eligible registrant within one hundred twenty (120) days prior to expiration of the registrant's identification card. Every identification card is renewable upon application and payment of the required fee.

**31-8-104. Fees.**

Every applicant for an identification card shall pay ten dollars (\$10.00) to the department. The state treasurer shall credit identification card fees to the highway fund. Identification cards issued as a result of the cancellation of a license under W.S. 31-7-122(a)(i) shall be issued without payment of any fee.

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**Section 2.** W.S. 31-7-119(h) is repealed.

**Section 3.** This act is effective January 1, 2010.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_  
DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk